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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION
17

18 SUCCESSFACTORS, INC.,

19 Plaintiff,

20 v.

21 SOFTSCAPE, INC.,

22 Defendant.
23
24
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Case No. CV 08 1376 CW

**DECLARATION OF DENNIS FAIGAL IN
SUPPORT OF MOTION FOR
ADMINISTRATIVE RELIEF TO FILE
UNDER SEAL CONFIDENTIAL EXHIBITS
TO THE DECLARATIONS OF
ROB BERNSHTEYN AND JORGE
CORRALES IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION
AND EXPEDITED DISCOVERY**

26 I, Dennis Faigal, declare as follows:

27 1. I am an associate with the law firm of Fenwick & West LLP, counsel of record for
28 Plaintiff SuccessFactors, Inc. ("SuccessFactors"). I make this declaration based on my personal

1 knowledge, except where otherwise indicated, and if I am called as a witness, I would and could
2 testify competently to the matters contained herein.

3 2. The document attached as **Exhibit 1** to the Declaration of Rob Bernshteyn in
4 support of Plaintiff SuccessFactors' Motion for Preliminary Injunction and Expedited Discovery
5 ("Declaration of Rob Bernshteyn") contains commercially sensitive and confidential information
6 and non-public confidential customer information. Thus, SuccessFactors requests that it be
7 allowed to file the exhibit under seal.

8 3. The documents attached as **Exhibit 3** to the Declaration of Jorge Corrales in
9 Support of Plaintiff SuccessFactors' Motion for Preliminary Injunction and Expedited Discovery
10 ("Declaration of Jorge Corrales") contain proprietary, non-public, commercially sensitive, and
11 confidential information. Thus, SuccessFactors requests that it be allowed to file this exhibit
12 under seal.

13 4. SuccessFactors will lodge with the Clerk a sealed copy of the above document.

14 5. Pursuant to Civil L.R. 79-5, SuccessFactors intends to file publicly or withdraw
15 from the record any exhibits that it requested to be filed under seal if SuccessFactors' request is
16 denied by this Court.

17 I declare under penalty of perjury under the laws of the United States of America and the
18 State of California that the foregoing is true and correct. Executed this 21st day of March, 2008
19 at Mountain View, California.

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21 By: /s/ Dennis Faigal
22 Dennis Faigal
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